

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD FEBRUARY 28, 2013

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING FENCE HEIGHT

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 28, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer
Millard Loy
Richard Skalski

MEMBERS ABSENT: Terry Schley

Also present were Greg Milliken, Planning Director, Attorney James Porter, and Meeting Transcriptionist, Martha Coash.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Gelling at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

The Chairperson asked if there were any additions, deletions or corrections to the Agenda. Hearing none, she called for a motion to accept the Agenda, as presented. Mr. Loy made a motion to accept the Agenda. Mr. Skalski seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, she proceeded to the next Agenda item.

APPROVAL OF THE MINUTES OF FEBRUARY 14, 2013

The Chairperson asked if there were any additions, deletions or corrections to the Minutes of February 14, 2013. No changes were noted. Mr. Antosz made a motion to approve the Minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING FENCE HEIGHT

The Chairperson indicated the next item on the agenda was discussion of potential Zoning Ordinance amendments regarding fence height, and asked the Planning Director for his report.

Mr. Milliken indicated that at last week's Planning Commission meeting, four topics for potential amendment to the Zoning Ordinance were discussed: keeping of dogs; fences in multi-family districts; temporary portable storage units; and temporary signage. Based on that discussion, it was determined Staff should pursue research and development of potential amendment language on the latter three items and present these items to the Commission for consideration in the near future.

Staff began with the fence height issue due to the anticipated variance request, which if approved, would likely lead to subsequent requests for similar fencing at other similar locations. The Zoning Ordinance currently treats fences in all residential districts, including multi-family districts, the same. In these districts fences are limited to four feet in height in the front yard setback area and six feet in height in the side and rear yard areas.

Due to increased criminal activity and security challenges at some of the larger multi-family developments in the Township, one development, Copper Beech, has proposed installation of a gate, entry house and fencing around the majority of the property. The proposed fence is seven feet in height in the front yard and eight feet in height along the side property line. These heights are in excess of the height limit for residential districts but are believed necessary for the security and protection of the residents within the complex.

Fence standards for surrounding communities were reviewed, as well as communities throughout the State. The majority of ordinances are structured similarly to the current Oshtemo Township Ordinance and do not have a distinct requirement for multi-family development. Thus, if Copper Beech were making a similar proposal in most communities in this area or the State, a variance would be required there as well.

Staff found a few examples of communities that treat fences for multi-family and non-residential developments in unique ways. Using those examples as a start, three

initial draft proposals of amendment language were prepared for Commissioners to review and consider:

1. Establish height limit for multi-family and non-residential districts at eight feet

This change would provide more flexibility and establish greater security and screening than a six foot high fence. An applicant may still desire something taller than eight feet, and could seek a variance in such an instance. By having a specific limit identified, the regulation is clear.

2. Allow taller fences through a site plan review or administrative review process

This change would maintain current height limits for residential and multi-family units, but would allow for height exceptions by going through a site plan review or an administrative review process.

3. Do Nothing

Mr. Milliken said as always, this must be considered as an approach. He does not like the idea of making a change to the Ordinance for one entity. However, when one request helps identify a potential issue within the Ordinance, it becomes a broader question and worthy of consideration. We know the apartment communities are in communication with each other and share similar security concerns. Therefore, it is reasonable to assume Copper Beech will not be the only entity making a request.

The Planning Director noted there are more options than these three (3) approaches and that within these three (3) approaches modifications could be made, including ways they could be combined. He felt, based on the research done that these seemed the most viable for Oshtemo Township and the situations that it will likely be faced with.

Chairperson Gelling asked Mr. Milliken to please discuss a map of the location of crimes in the Township provided to Commissioners for 2010.

He said the map indicates that as a growing community on the urban fringe we are experiencing criminal activity. The apartment complexes are at the forefront of that activity. The activity is not coming from residents, for the most part, but rather from outside people coming into the community. Owners are looking to protect their residents' with increased security, which is what prompted the request for a variance.

The Chairperson asked if there weren't more current statistics available than those provided from 2010.

Attorney Porter replied that the statistics available show that criminal activity is increasing, but there is no more current GIS map of that activity yet. The first such map was created in 2009.

Mr. Milliken noted it is his understanding it is a significant challenge to assemble the data and produce the maps.

Chairperson Gelling asked why the Michigan State Police were providing crime statistics and not Kalamazoo County, and Attorney Porter said State Police utilize a crime index to make the record of criminal activity uniform throughout the state in order to be able to draw comparisons. Different local governmental units may report crimes differently.

The Chairperson asked what predominant crimes the roving groups were committing, and Attorney Porter indicated the crimes involve larceny and other transgressions up to and including murder. He added young people come from outside the community and congregate at apartment complexes because of the draw of a college town.

There was some discussion of specific incidents within the Township, and agreement that the crime statistics show the numbers of incidents are climbing.

Chairperson Gelling said this is obviously a problem and it needs to be addressed before it gets worse.

Attorney Porter said he supports addressing the fencing issue. Development owners are trying to do something proactively to try to control the problems.

The Chairperson said that whatever route is decided upon, if a change is made to fence height it needs to be made high enough to take care of the issue in one action.

There was some discussion of the appeal of Option Two (2) since it allowed for flexibility.

Mr. Loy felt it would be better to stipulate an eight foot high fence, with the opportunity to request a variance for anything higher. He was concerned about the appearance of properties, saying that a sliding scale might result in an inconsistent appearance from one complex to the next. He said it is a shame to have to fence in an attractive project, but something needs to be done.

Mr. Boulding, Sr. believes a fence can be a deterrent, but the root cause of the problem of people from outside of the community coming into these complexes and acting inappropriately is societal. This is a greater issue than keeping people out who violate community standards.

Mr. Skalski said he agreed with the idea of changing to an eight foot high fence for multi-family areas with the option to request a variance for anything higher than eight feet, especially for industrial zones. He felt the Commission should do what it can to

assist with efforts in curbing inappropriate behavior within reasonable standards. He also agreed with Mr. Boulding, Sr. regarding this issue being a societal problem.

Mr. Antosz also agreed with this approach. He said he additionally likes the idea of including standards for attractive fencing. He asked if “all other zones” in the first option means that industrial zones need to provide attractive fences.

Mr. Milliken said it does as it is written.

Mr. Antosz said that might not be necessary for industrial zones.

Ms. Farmer agreed a change needs to be made and that whatever is done needs to be flexible. She thinks that while students may be drawing a crowd, there isn't necessarily a personal relationship involved, nor are those causing problems necessarily young people. There is a reason to come to areas like Oshtemo Township. The Township has more limited access to police than the city as well as to rapid response from police since they need to call in back up before they can go in. Making access more difficult may be helpful. She wants to maintain Commission control.

Chairperson Gelling summarized that Commissioners would like to have control over the process. Changes should affect multi-family use areas only, should allow an eight foot fence maximum, with a variance for anything higher, and wording should be simplistic and concise. Commissioners all agree with this approach. The Chairperson indicated she is pleased they will be proceeding proactively and hopes it will help the situation.

Mr. Milliken noted any industrial concern as stated currently in the Ordinance would need to present to a reviewing body to request a fence over six feet. Essentially the Commission would be doing the same thing without a cap. If there have been no issues from industrial areas, the existing wording could be left as is, perhaps adding a paragraph that addresses the multi-family areas only.

Mr. Boulding, Sr. noted past rowdiness problems experienced when football games between W.M.U. and C.M.U. occurred seem to have been alleviated, and suggested it might be helpful to find out how those problems had been addressed.

Chairperson Gelling said she believed various authorities had been involved in addition to Western Michigan Police, such as invoking Kalamazoo County deputies, the Posse, City of Kalamazoo, Michigan State Police, and Kalamazoo Township. Furthermore, W.M.U. had disciplined students up to, and including, expulsion. The administration's threats were not empty, but carried out and acted upon with residual consequences. They took a hard stance and provided a united front.

Mr. Milliken asked for clarification so he could prepare something for a public hearing at the next available time. He said he understands the Commission is in favor of an eight foot fence maximum for the front, side and back of multi-family units, but

wondered how they feel about the design wording that was included in Option One (1), B.

Everyone indicated they agreed with the suggested design wording.

Mr. Milliken felt the proposed changes could be brought back to a March meeting, followed by a Public Hearing in April.

Ms. Farmer asked what the term “opacity limit” means regarding fencing.

Mr. Milliken indicated this often pertains to a front yard; that no more than 50 – 75% of a fence can be solid according to building code, to avoid creating a wall.

Mr. Skalski commented this is desirable not only from a visibility standpoint, but also as a security issue since it limits the opportunity for someone to hide.

In response to a question from Mr. Loy regarding limits to banners on fences, Mr. Milliken responded the rules for temporary signage would apply.

Mr. Milliken asked if the group liked the wording in the “Height Exceptions” paragraph.

Chairperson Gelling spoke on behalf of the group saying they did like that wording.

Disposition: The Chairperson, with the consensus of the Planning Commissioners, asked Mr. Milliken to please finalize Ordinance language consistent with their discussion to address the issue of fence height in multi-family areas of the Township and to bring it to a March meeting for the Commission to consider. A Public Hearing then could be scheduled for April.

OLD BUSINESS

Chairperson Gelling reminded the group of the MDOT meeting scheduled for Tuesday March 5, 4:00 p.m. ~ 7:00 p.m., Oshtemo Community Center, and encouraged attendance at the informative presentation. Upcoming road/overpasses changes and improvements would be discussed.

Mr. Milliken reported information will be going out in the next newsletter about the MDOT meeting. He will plan to make some remarks about the meeting, as well as the Drake Road Sidewalk Project, at the next Planning Commission meeting.

In response to a question from Mr. Skalski, Mr. Milliken clarified the M-43 project will begin in July of 2013; the Stadium Drive interchange work will begin in 2014.

Chairperson Gelling said it was unfortunate the five (5) Commissioners scheduled to attend the Michigan Association Planning and Zoning Essentials Seminar were unable to do so due to the weather. Materials and certificates had been received from the Seminar, and were distributed to said Commissioners. She indicated she thought she and Mr. Milliken had come up with a back-up plan, and asked Mr. Milliken to explain.

Mr. Milliken stated he had talked with a MAP contact, and upon request she thought it was possible that Oshtemo Township could host a training session on site with training provided by Mr. Milliken. MAP will market the session and charge other attendees. Oshtemo Commissioners will attend at no further cost as they have already paid for the missed session.

The Chairperson felt she had made the right decision to cancel for all of the right reasons. She is very pleased that training hopefully will be provided by Oshtemo's Planning Director. She knows it will be excellent and more personal. It is impressive Oshtemo will be the host, and the opportunity to meet other governmental representatives is welcomed.

Mr. Milliken will work out details with MAP and will keep Commissioners informed of details as they become available.

Mr. Milliken informed Commissioners about the "Citizen Planner Program," offered through Michigan State Extension. It consists of seven 3-4 hour evening sessions over seven weeks, to be held at the Comstock Township Hall on River Street, starting after April 2013. This is a continuing education opportunity for certification as a "Citizen Planner." Follow-up sessions are required periodically to retain certification. The cost is \$350 per person, less for multiple attendees.

Chairperson Gelling asked Mr. Milliken to please email the related materials to Commissioners and stressed this would be a significant commitment of time.

ANY OTHER BUSINESS

Chairperson Gelling asked if there was any other business. Hearing none, she closed this agenda item and proceeded to the next item.

PLANNING COMMISSIONER COMMENTS

Mr. Boulding, Sr. wondered if the fencing amendment language sufficiently addressed the type of fencing allowed so as not to limit approval to wrought iron.

The Chairperson read the section pertaining to the type of fencing allowed and it seemed to be inclusive enough to address that issue.

Mr. Skalski said he is continuously impressed with the communication of the Planning Commission, and the information that comes out of it.

Chairperson Gelling thanked Mr. Skalski for his comments, and said she thinks the Commissioners work well together.

The Chairperson announced the upcoming "Oshtemo Rotary Celebrity Server Night" fundraiser to be held at Texas Corral on March 13 from 5-8 p.m. She would love for those who can, to attend.

Mr. Milliken pointed out he had distributed replacement zoning ordinance pages for the Commissioners' manuals. He also asked Commissioners to send any suggestions from the Joint Boards Meeting, and thanked them for their participation. He will meet with the Board and coordinate with staff to compile the list for discussion at the Township Board Retreat on April 16.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, the Chairperson adjourned the Planning Commission meeting at approximately 8:08 p.m.

Minutes prepared:
March 3, 2013

Minutes approved:
_____, 2013